



Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixtieth session

29 May–15 June 2012

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

List of issues concerning additional and updated information related to the initial report of Australia (CRC/C/OPSC/AUS/1)

The State party is requested to submit in writing additional, updated information (15 pages maximum), if possible before 1 March 2012.

The Committee may take up all aspects of children's rights contained in the Optional Protocol during the dialogue with the State Party.

1. Please clarify if there are nation-wide policies, programmes or other guidance developed by the State party on how to address the specific issues of the Optional Protocol, apart from efforts to combat trafficking in children.
2. Please provide information of any comprehensive research undertaken by the State party to assess the specific prevalence and nature of the sale of children, child prostitution and child pornography within Australia, including identification of groups of children in Australia who are especially vulnerable to be victims of such crimes.
3. Please clarify if there is a mechanism for gathering data on the sale of children, child prostitution and child pornography in Australia. Please also indicate if the State party has set any specific targets or objectives for addressing these issues and how the State party measures its progress in this regard.
4. Please clarify if the State party has allocated a specific budget for prevention, prohibition and protection with regard to the sale of children, child prostitution and child pornography at Federal, State and Territory levels.
5. Please clarify if there is a specific Government agency at the national level responsible for the implementation of the Optional Protocol. In light of the information provided on the role of the Federal police, immigration department and adoption authority, kindly clarify how action relating to this Optional Protocol is coordinated among these institutions to ensure a comprehensive approach. Kindly clarify how these institutions coordinate with relevant Federal, State or Territory institutions regarding social and health services, counselling and rehabilitation.

6. In light of the information on Government agencies responsible for the implementation of the Optional Protocol in each State and Territory listed in Annex 1 of the State party's report, please clarify if there are any Government agencies responsible for such matters in New South Wales and Victoria in addition to the police departments listed. If not, please provide information on how such States address and coordinate awareness-raising, training, counselling and rehabilitation programmes and activities.

7. Please provide specific information on how the sale of children, child prostitution and child pornography are included in the Commonwealth Criminal Code, including reference to specific provisions of key articles. Please also include specific information on criminal procedure provisions to protect victims of such crimes.

8. In light of the information provided on criminal law obligations of States and Territories listed in the annexes to the State party's report, please clarify:

(a) If any State or Territory has an explicit prohibition of the sale of children (including but not limited to adoption);

(b) Noting that the Criminal Code Act of Tasmania seems to only criminalize relevant acts with regards to children under the age of 17, if any provisions exist in other legislation to criminalize acts under this Optional Protocol with respect to all children under 18 years of age;

(c) Noting that several the legislation of several States address grooming in cases of children under 16 years of age, if any provisions protect children under 18 years of age from being contacted online for prostitution or pornography purposes.

9. Please provide detailed and comprehensive statistics on cases of sale of children, child prostitution and child pornography at the Federal, State and Territory levels, including the number of cases reported and investigated, the number of cases prosecuted and the results thereof (convictions and sentences), disaggregated by age, gender, socio-economic background, indigenous status and ethnic origin of the victim.

10. Please provide information on efforts to ensure the social reintegration, physical and psychological recovery of as well as compensation to victims of the sale of children, child prostitution and child pornography. Kindly clarify if there are differences between foreign and national victims in such matters.

11. In light of the information contained in paragraph 32 of the State party's report that Australia has enacted legislation to criminalize sex tourism abroad when victims are under 16 years of age, please clarify if there is legislation prohibiting sex tourism, including child prostitution and child pornography, when victims are children between 16 and 18 years of age.

12. Please clarify in what respect legal persons, including corporations, may be held liable for acts or omissions related to the sale of children, child prostitution and child pornography.
